THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 12432 of 2007

Dated: 11.12.2007

Between:

Kammalapati Govind alias China Govind

… Petitioner

AND

The Special Deputy Collector (LA),
Gundlakamma Reservoir,
Prakasam Bhavan, Ongole
& another.

… Respondents

Counsel for the petitioner : Sri J. Pradeep Kiran for
Sri M.R.S. Srinivas

Counsel for respondent No.1 : Assistant Government Pleader for
Land Acquisition

Counsel for respondent No.2 : Sri D. Ramalinga Swamy

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ORDER:-

This writ petition is filed for a writ of mandamus to declare the inaction of respondent No.1 in referring the dispute relating to payment of compensation in respect of Ac.12.48 cents and Ac.3.90 cents in Sy.Nos.370 and 371 respectively of Burepally Village, Maddipadu Mandal, Prakasam District, as illegal and arbitrary. The petitioner also sought for a direction to refer the matter to the civil Court for adjudication under Section 31 of the Land Acquisition Act, 1894 (for short, 'the Act').

Heard Sri J. Pradeep Kiran representing Sri M.R.S.Srinivas learned counsel for the petitioner, learned Assistant Government Pleader for Land Acquisition representing respondent No.1 and Sri D. Ramalinga Swamy, learned counsel for respondent No.2.

In her counter, respondent No.1 averred as under:

> "In reply to the averments made in para 3 of the petitioner's affidavit it is submitted that this respondent has decided to refer the matter under Sections 30 and 31(2) of the Land Acquisition Act to the Civil Court in respect of the land Ac.16.38 in Sy.Nos.370 and 371 of Burepalli Village. The contention of the petitioner that the name of the Kommalapati Anjaneyulu has not been shown in the 4(1) notification is not correct. In fact, the name of Kommalapati Anjaneyulu, 2nd respondent herein has been notified in respect of the land to an

extent of Ac.0.78 cents in Sy.No.370 and Ac.0.78 cents in Sy.No.371. If at all the petitioner has got any title over the land as claimed by him, it is open to him to produce the documentary evidence proving his title. But the petitioner has not done so. Now this respondent has decided to refer the matter to the Civil Court for adjudication of title under Sections 30 and 31 (2) of the Land Acquisition Act and the petitioner is at liberty to establish his title before the Civil Court. All these allegations are not correct and invented only for the purpose of this writ petition. The petitioner has not made out any case warranting interference of this Hon'ble Court under Article 226 of the Constitution of India."

Sri D. Ramalinga Swamy, learned counsel for respondent No.2 says that in view of the stand taken by respondent No.1, the writ petition may be disposed of by directing her to take the follow up action for immediate reference of the matter to enable the civil Court to adjudicate the dispute between the petitioner and respondent No.2.

In the light of the stand taken by respondent No.1 in her counter, which is reproduced above, the writ petition is disposed of.

Respondent No.1 shall take all the necessary steps for expeditious reference of the dispute to the civil Court under Sections 30 and 31 of the Act.

As a sequel to disposal of the writ petition, WPMP.No.15499 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 11.12.2007
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